

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 1871
2:07-MD-01871 (CMR)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**APPLICATION OF RACHEL ABRAMS, ESQ. FOR
APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to Case Management Order No. 1, comes Rachel Abrams, who respectfully files the attached application for appointment as a member of the Avandia Marketing, Sales Practices and Products Liability Litigation Plaintiffs' Steering Committee.

Ms. Abrams is thoroughly dedicated to this litigation and is available to commit to this time-consuming project. Further, she has already invested significant time and energy into this litigation. Her firm, Hersh & Hersh, has, and will continue to invest significant resources into this litigation.

Ms. Abrams is a senior associate of Hersh & Hersh and has been with the firm for almost ten years. She has participated in all of Hersh & Hersh's pharmaceutical mass tort litigation while at the firm including, Breast Implant, DES, Fen-Phen, Sulzer-Hip Implant, Medtronic-AneuRx, Guidant-Ancure, Zyprexa, Medtronic-Defibrillators, Guidant-Defibrillators and numerous other cases involving pharmaceuticals and medical devices. Hersh & Hersh filed the first Zyprexa product liability lawsuit in the United States and Ms. Abrams actively works with the Plaintiff's Steering Committee ("PSC") of the Zyprexa Multi-District Litigation Coordination ("MDL"), which is being conducted in the Eastern District of New York. Ms. Abrams was the

Co-Chair of the Science and Expert Committee for the Zyprexa litigation, working extensively with experts in various fields, as well as working cooperatively with numerous attorneys and individuals from law firms across the country. Furthermore, Ms. Abrams participated in the settlement negotiations on behalf of over 8,000 individual cases that led to an agreement by Eli Lilly and Company to pay \$700,000,000 to resolve those individual cases. Ms. Abrams now serves as a Special Attorney General prosecuting claims by the Attorney General of New Mexico for damages incurred by the State of New Mexico for the inappropriate marketing, promotion and sale of Zyprexa.

Hersh & Hersh is a law firm based in San Francisco that has specialized in pharmaceutical product liability litigation for over 25 years. In the 1970s, Hersh & Hersh was the first law firm to represent hundreds of people regarding the same pharmaceutical product, DES. Hersh & Hersh successfully prosecuted these cases, including obtaining a \$41,000,000 verdict in New York on behalf of eleven women who suffered injuries to their reproductive systems as a result of their *in utero* exposure to DES.

Since the first DES cases, Hersh & Hersh has had several other firsts with other medical products. In 1984, Hersh & Hersh obtained the first silicone breast implant verdict linking silicone to autoimmune disease. In the 1990s Hersh & Hersh filed the first diet drug case against American Home Products regarding the drug combination Fen-Phen, which Hersh & Hersh successfully resolved long before any other firm in the country. In 2001, Hersh & Hersh was the first firm to pursue cases against Guidant Corporation concerning the medical device Ancure. Hersh & Hersh provided information to the U.S. Attorney's Office concerning Ancure and in 2003; the United States Government recovered \$92.4 million dollars in fines and restitution.

Recently, Hersh & Hersh was designated to participate in the Guidant Defibrillator and

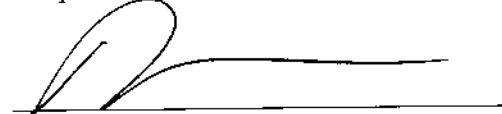
Pacemaker settlement negotiations. In the past, Hersh & Hersh served on the Plaintiff's Committee in the Federal MDL Breast Implant litigation and the California State Sulzer Hip Implant litigation. Ms. Abrams assisted in the prosecution of both of these cases under the direction of LeRoy Hersh.

Ms. Abrams has spoken at several seminars and conferences and often lectures in the areas of pharmaceutical/medical device litigation and in particular MDL procedures and litigation.

Currently, Ms. Abrams represents approximately 300 individuals concerning Avandia injuries and she has no other MDL commitments other than the Zyprexa work described above. Further, GSK's lead counsel, Pepper Hamilton, also serves as lead counsel in the Zyprexa litigation, thus, Ms. Abrams is intimately familiar litigating pharmaceutical cases with that firm.

WHEREFORE, Rachel Abrams, respectfully requests appointment to the Plaintiffs' Steering Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rachel Abrams', is written over a horizontal line.

Rachel Abrams
Hersh & Hersh
601 Van Ness Avenue, Suite 2080
San Francisco, CA 94102-6388
Telephone: (415) 441-5544
Facsimile: (415) 441-7586

CERTIFICATE OF SERVICE

I hereby certify that on this fourteenth day of March, 2008, served a copy of the foregoing pleading on counsel for all parties to this proceeding, by mailing the same by United States Mail, properly addressed, and first class postage prepaid, or by electronic means if said attorney is a CM/ECF participant as may be appropriate:

Robert Henry Alexander
The Law Office of Robert H. Alexander Jr.
P.O. Box 868
Oklahoma City, OK 73101

George J. Bequette, Jr.
Bequette and Billingsley P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, AR 72201

Benjamin H. Anderson
Anderson Law Office, LLC
1360 W. 9th Street, Suite 200
Cleveland, OH 44113

Jerry W. Blackwell
Blackwell Igbanugo Engen & Saffold
701 Forth Avenue South, Suite 1730
Minneapolis, MN 55415

Vance R. Andrus
Andrus, Boudreaux, Lemoine & Tonore
416 W. Main Street
P.O. Box 3347
Lafayette, LA 70502-3347

Barry H. Boise
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

Paul Gerard Aucoin
134 Goodwill Plantation Road
Vacherie, LA 70090

Turner W. Branch
Branch Law Firm
2025 Rio Grande Boulevard, NW
Albuquerque, NM 87104

Bryan Frederick Aylstock
Aylstock, Witkin & Sasser PLC
4400 Bayou Boulevard, Suite 58
Pensacola, FL 32503-1909

John M. Broderick
Pugh, Jones, Johnson & Quandt, P.C.
180 North La Salle Street, Suite 3400
Chicago, IL 60601

Daniel E. Becnel, Jr.
Law Offices of Daniel E. Becnel, Jr.
106 West Seventh Street
Post Office Drawer H
Reserve, LA 70084

Bruce Don Burtoff
The Miller Firm, LLC
108 Railroad Avenue
Orange, VA 22960

Craig W. Carlson
Smith & Carlson
P.O. Box 10520
Killeen, TX 76547

Charles H. Carpenter
Pepper Hamilton LLP
Hamilton Square
600 Fourteenth Street, N.W.
Washington, DC 20005-2004

Siobhan A. Cullen
Drinker Biddle & Reath
333 S. Grand Avenue, Suite 1700
Los Angeles, CA 90071

Suzanne M. D'Amico
Pepper Hamilton LLP
The New York Times Building
620 Eighth Avenue, 37th Floor
New York, NY 10018

Clarence Davis
Nelson Mullins Riley and Scarborough
P.O. Box 11070
Columbia, SC 29211

Roger D. Drake
Baum Hedlund Aristei & Goldman
12100 Wilshire Boulevard, Suite 950
Los Angeles, CA 90025

Stephen Woodrow Drinnon
The Drinnon Law Firm
1700 Pacific Avenue, Suite 2230
Dallas, TX 75201

David L. Eisbrouch
Balkin and Eisbrouch LLC
50 Main Street, Suite 6
Hackensack, NJ 07061

Sean P. Fahey
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799

Ronald J. Favre
Michael Hingle & Associates, Inc.
220 Gause Boulevard, Suite 200
P.O. Box 1129
Slidell, LA 70459

Samuel L. Felker
Bass, Berry & Sims, PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

Andrew Finkelstein
Finkelstein & Partners LLP
436 Robinson Avenue
Newburgh, NY 12550

Edward W. Gerecke
Carlton Fields Attorneys at Law
Corporate Center Three
4221 West Boy Scout Boulevard,
Suite 1000
Tampa, FL 33607

Thomas V. Girardi
Girardi & Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017-1904

Lionel Z. Glancy
Glancy Binkow and Goldberg
1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067

Marc L. Godino
Glancy Binkow and Goldberg
1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067

Brian A. Goldstein
Cellino & Barnes, PC
17 Court Street, 7th Floor
Buffalo, NY 14202

Nina M. Gussack
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799

Matthew J. Hamilton
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799

Catherine Theodora Heacox
The Lanier Law Firm, PLLC
126 East 56th Street, 6th Floor
New York, NY 10022

Edward J. Heffernan
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799

Waldon Michael Hingle
Michael Hingle & Associates, Inc.
220 Gause Boulevard, Suite 200
P.O. Box 1129
Slidell, LA 70459

Henry Lewis Hipkens
Bass, Berry & Sims, PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

Shepard A. Hoffman
Law Offices of Shepard A. Hoffman
301 N. Charles Street, Suite 901
Baltimore, MD 21201

Robert Holland
Holland Law
308 Cogdill Road, N.W.
Knoxville, TN 37922

Shannon M. Holland
Holland Law
308 Cogdill Road, N.W.
Knoxville, TN 37922

Robert William Ivy
The Law Office of Robert H. Alexander Jr.
P.O. Box 868
Oklahoma City, OK 73101

Frederick John Jekel
Ness Motley PA
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, SC 29465

Gregory Lawing Jones
Greg Jones, P.A.
3015 Market Street
Wilmington, NC 28403

Walter Jones, Jr.
Pugh, Jones, Johnson & Quandt, P.C.
180 North La Salle Street, Suite 3400
Chicago, IL 60601

Jamie R. Kendall
Price Waicukauski & Riley, LLC
301 Massachusetts Avenue
Indianapolis, IN 46204

Kenneth J. King
Pepper Hamilton LLP
The New York Times Buildin
620 Eighth Avenue, 37th Floor
New York, NY 10018

Amanda S. Kitts
Nelson Mullins Riley and Scarborough
P.O. Box 11070
Columbia, SC 29211

W. Mark Lanier
The Lanier Law Firm
6810 FM 1960 West
Houston, TX 77069

George Alexander Lehner
Pepper Hamilton LLP
600 Fourteenth Street, N.W.
Washington, DC 20005-2004

Jennifer Lenze
Girardi & Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017-1904

Steven Lim
Finkelstein & Partners, LLP
436 Robinson Avenue
Newburgh, NY 12550

John J. Love
Robert H. Alexander Jr. PC
The Law Office of Robert H. Alexander Jr.
P.O. Box 868
Oklahoma City, OK 73101

Lewis Wilkinson Lyons
Glassman Edwards Wade and Wyatt
26 North Second Street
Memphis, TN 38103

Victoria Jennings Maniatis
Morelli Ratner, P.C.
950 Third Avenue
New York, NY 10022

Brian J. McCormick, Jr.
Sheller PC
1528 Walnut Street, 3rd Floor
Philadelphia, PA 19102

Richard Meadow
Robert M. Blakeman & Associates
108 S. Franklin Avenue
Valley Stream, NY 11580

Thomas E. Mellon, Jr.
Mellon, Webster & Shelly
87 North Broad Street
Doylestown, PA 18901

Karen Barth Menzies
Baum, Hedlund, Aristei & Goldman, P.C.
12100 Wilshire Boulevard, Suite 950
Los Angeles, CA 90025

Henry A. Meyer, III
Abowitz Timberlake & Dahnke, PC
P.O. Box 1937
Oklahoma City, OK 73101

Gary Martin Meyers
Law Offices of Gary Martin Meyers, P.C.
35 West Main Street, Suite 106
Denville, NY 07834

Nancy A. Mismash
Debry & Associates
4252 South 700 East
Salt Lake City, UT 84107

Robert Edward Moreland
Heilig, McKenry, Fraim and Lloard
700 Newton Road, Suite 15
Norfolk, VA 23502

Joseph J. Morford
Tucker Ellis & West LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115

Brian Phillip Murray
Murray Frank Sailer LLP
275 Madison Avenue, Suite 801
New York, NY 10016-6099

Mike Neilon
WPVI TV (ABC Philadelphia)
4100 City Line Avenue
Philadelphia, PA 19131

John F. Nevares
John F. Nevares and Associates
P.O. Box 13667
San Juan, PR 00908

Debora A. O'Neill
Meyerson & O'Neill
1700 Market Street, Suite 3025
Philadelphia, PA 19103

Neil D. Overholtz
Aylstock, Witkin, Kreis & Overholtz
803 N. Palafox Street
Pensacola, FL 32501

Nicholas H. Patton
Patton, Tidwell & Schroeder, LLP
P.O. Box 5398
Texarkana, TX 75505-5398

Gale Diane Pearson
Gale D. Pearson & Associates, PA
1012 Grain Exchange Building
400 South Fourth Street
Minneapolis, MN 55415

Bryan August Pfleeger
Michael Hingle & Associates, LLC
220 Gause Boulevard, Suite 200
P.O. Box 1129
Slidell, LA 70459

Michael L. Phifer
952 Echo Lane, Suite 140
Houston, TX 77024

Robert Christian Pittard
The Davis Law Firm
5710 W. IH 10
San Antonio, TX 78201

Eleanor Louise Polimeni
Finkelstein & Partners, LLP
436 Robinson Avenue
Newburgh, NY 12550

Lyn Peebles Pruitt
Mitchell Williams Selig Gates
425 W. Capitol Avenue, Suite 1800
Little Rock, AR 72201-3525

Eric F. Quandt
Pugh, Jones, Johnson & Quandt, PC
180 North La Salle Street, Suite 3400
Chicago, IL 60601

Jose L. Ramirez-Coll
Fiddler Gonzalez & Rodriguez
P.O. Box 363507
San Juan, PR 00936-3507

Diego A. Ramos-Cayon
Fiddler Gonzalez & Rodriguez
P.O. Box 363507
San Juan, PR 00936-3507

Stephen Jerome Randall
Randall and Schumacher, P.A.
1012 Grain Exchange Building
400 South Fourth Street
Minneapolis, MN 55415

H. Jason Richards
Aylstock Witkin Kreis & Overholtz, PLLC
803 N. Palafox Street
Pensacola, FL 32501

William N. Riley
Price Waicukauski & Riley
301 Massachusetts Avenue
Indianapolis, IN 46204

Glenwood P. Roane, Sr.
Glenwood P. Roane, Sr. & Associates
217 Exchange Avenue
Memphis, TN 38105

Mark P. Robinson, Jr.
Robinson, Calcagnie & Robinson
620 Newport Center Drive, 7th Floor
Newport Beach, CA 92660

Jay P. Saltzman
Schoengold, Sporn, Laitman &
Lometti, P.C.
Cannon's Walk
19 Fulton Street, Suite 406
New York, NY 10038

Frank Rocco Schirripa
Schoengold, Sporn, Laitman &
Lometti, P.C.
Cannon's Walk
19 Fulton Street, Suite 406
New York, NY 10038

John Shiffman
Philadelphia Inquirer
601 Market Street
Philadelphia, PA 19106

Leigh Anne Shults
Mitchell, Williams, Selig, Gates & Woody
425 West Capitol Avenue, Suite 1800
Little Rock, AR 72201

James D. Sill
Sill & Medley
725 NW Eleventh
Oklahoma City, OK 73103

James P. Sizemore
Girardi and Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017

Stephanie A. Smith
Fulbright & Jaworski
600 Congress Avenue, Suite 2400
Austin, TX 78701-2879

SmithKline Beecham Corporation
One Franklin Plaza
Philadelphia, PA 19101

Kenneth S. Soh
Lanier Law Firm
6810 FM 1960 West
Houston, TX 77069

Andy Sohrn
Glancy Binkow and Goldberg, LLP
1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067

Samuel P. Sporn
Schoengold & Sporn, P.C.
19 Fulton Street, Suite 406
New York, NY 10038

Paul K. Stecker
Phillips Lytle LLP
3400 HSBC Center
Buffalo, NY 14203-2887

Hyung P. Steele
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

Stephen A. Swedlow
Swedlow & Associates
205 Michigan Avenue, Suite 1940
Chicago, IL 60601

Michael J. Williams
Cellino & Barnes, P.C.
17 Court Street, 7th Floor
Buffalo, NY 14202

Anthony Vale
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

Justin G. Witkin
Aylstock Witkin Kreis & Overholtz
P.O. Box 1147
Gulf Breeze, FL 32561

Ted B. Wacker
Robinson Calcagnie & Robinson
620 Newport Center Drive, 7th Floor
Newport Beach, CA 92660

Donald F. Zimmer, Jr.
Drinker Biddle and Reath
50 Fremont Street, 20th Floor
San Francisco, CA 94105-2235

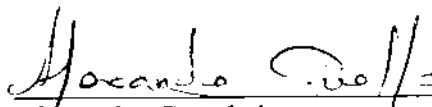
George T. Waddoups
Debry & Associates
4252 S. 700 E.
Salt Lake City, UT 84107

B. J. Wade
Glassman, Jeter, Edwards, Wade &
Wyatt, P.C.
26 N. Second Street
Memphis TN 38103

Christopher W. Wasson
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

Daniel W. Whitney
Whitney & Bogris, LLP
401 Washington Avenue, 12th Floor
Towson, MD 21204

Joseph N. Williams
Price Waicukauski & Riley
301 Massachusetts Avenue
Indianapolis, IN 46204


Alexandra Guardado

SCHEDULE B

Search Results

RACHEL ABRAMS
HERSH & HERSH
2080 OPERA PLAZA
601 VAN NESS AVE
SAN FRANCISCO, CA 94102-6388

ROBERT HENRY ALEXANDER
THE LAW OFFICE OF ROBERT H. ALEXANDER JR
POBOX 868
OKLAHOMA CITY, OK 73101

BENJAMIN H. ANDERSON
ANDERSON LAW OFFICE, LLC
1360 W. 9TH STREET
SUITE 200
CLEVELAND, OH 44113

VANCE R. ANDRUS
ANDRUS BOUDREAU LEMOINE & TONORE
416 W. MAIN ST
POBX 3347
LAFAYETTE, LA 70502-3347

PAUL GERARD AUCCOIN
134 GOODWILL PLANTATION ROAD
VACHERIE, LA 70090

BRYAN FREDERICK AYLSTOCK
AYLSTOCK, WITKIN & SASSER, PLC
4400 BAYOU BLVD SUITE 58
PENSACOLA, FL 32503 1909

DANIEL E. BECNEL, JR
LAW OFFICES OF DANIEL E. BECNEL, JR.
106 WEST SEVENTH STREET
POST OFFICE DRAWER H
RESERVE, LA 70084

GEORGE J. BEQUETTE, JR
BEQUETTE AND BILLINGSLEY P.A.
425 WEST CAPITOL AVENUE
SUITE 3200
LITTLE ROCK, AR 72201

JERRY W. BLACKWELL
BLACKWELL IGBANUGO ENGEN & SAFFOLD
701 FORTH AVENUE SOUTH
SUITE 1730
MINNEAPOLIS, MN 55415

BARRY H. BOISE
PEPPER HAMILTON LLP
3000 TWO LOGAN SQUARE
18TH & ARCH STREETS
PHILADELPHIA, PA 19103 2799

TURNER W. BRANCH
BRANCH LAW FIRM
2025 RIO GRANDE BLVD. NW
ALBUQUERQUE, NM 87104

JOHN M. BRODERICK
PUGH, JONES, ET AL
180 NORTH LASALLE STREET
SUITE 3400
CHICAGO, IL 60601

CYNTHIA BROWN
HERSH & HERSH
2080 OPERA PLAZA
601 VAN NESS AVE
SAN FRANCISCO, CA 94102-6388

BRUCE DON BURTOFF
THE MILLER FIRM, LLC
108 RAILROAD AVENUE
ORANGE, VA 22960

MARK E. BURTON, JR
HERSH & HERSH
2080 OPERA PLAZA
601 VAN NESS AVE STE 2080
SAN FRANCISCO, CA 94102-6388

CRAIG W. CARLSON
SMITH & CARLSON
P.O. BOX 10520
KILLEEN, TX 76547

CHARLES H. CARPENTER
PEPPER, HAMILTON LLP
HAMILTON SQUARE
600 FOURTEENTH STREET, N.W.
WASHINGTON, DC 20005-2004

SIOBHAN A. CULLEN
DRINKER BIDDLE & REATH
333 S. GRAND AVE., STE. 1700
LOS ANGELES, CA 90071

SUZANNE M D'AMICO
PEPPER HAMILTON
THE NEW YORK TIMES BUILDING
37TH FLOOR
620 EIGHTH AVENUE
NEW YORK, NY 10018

CLARENCE DAVIS
NELSON MULLING RILEY AND SCARBOROUGH
P.O. BOX 11070
COLUMBIA, SC 29211

ROGER D. DRAKE
BAUM HEDLUND ARISTEI & GOLDMAN
12100 WILSHIRE BLVD., STE. 950
LOS ANGELES, CA 90025

STEPHEN WOODROW DRINNON
THE DRINNON LAW FIRM
1700 PACIFIC AVENUE
SUITE 2230
DALLAS, TX 75201

DAVID L. EISBROUCH
BALKIN AND EISBROUCH LLC
50 MAIN STREET
SUITE SIX
HACKENSACK, NJ 07061

SEAN P. FAHEY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQUARE
18TH & ARCH STREETS
PHILADELPHIA, PA 19103-2799

RONALD J. FAVRE
MICHAELHINGLE & ASSOCIATES, INC.
220 GAUSE BLVD
SUITE 200
P.O. BOX 1129
SLIDELL, LA 70459

SAMUEL L. FELKER
BASS, BERRY AND SIMS
315 DEADERICK ST.
SUITE 2700, FIRST AMERICAN CENTER
NASHVILLE, TN 37238

ANDREW FINKELSTEIN
FINKELSTEIN & PARTNERS LLP
436 ROBINSON AVE
NEWBURGH, NY 12550

EDWARD W. GERECKE
CARLTON, FIELDS, WARD, ETAL
POBOX 3239
TAMPA, FL 33601

THOMAS V GIRARDI
GIRARDI & KEESE
1126 WILSHIRE BOULEVARD
LOS ANGELES, CA 90017-1904

LIONEL Z. GLANCY
GLANCY BINKOW AND GOLDBERG
1801 AVENUE OF THE STARS
SUITE 311
LOS ANGELES, CA 90067

MARC L. GODINO
GLANCY BINKOW AND GOLDBERG
1801 AVENUE OF THE STARS
SUITE 311
LOS ANGELES, CA 90067

BRIAN A. GOLDSTEIN
CELLINO & BARNES, PC
17 COURT STREET, 7TH FLR.
BUFFALO, NY 14202

NINA M. GUSSACK
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ
18TH & ARCH STS
PHILADELPHIA, PA 19103-2799

MATTHEW J. HAMILTON
PEPPER HAMILTON, LLP
18TH & ARCH STS.
3000 TWO LOGAN SQUARE
PHILA, PA 19103-2799

CATHERINE THEODORA HEACOX
THE LANIER LAW FIRM, PLLC
126 EAST 56TH STREET
6TH FLOOR
NEW YORK, NY 10022

EDWARD J. HEFFERNAN
PEPPER HAMILTON LLP
3000 TWO LOGAN SQUARE
18TH AND ARCH STREET
PHILADELPHIA, PA 19103

NANCY HERSH
HERSH & HERSH
2080 OPERA PLAZA
601 VAN NESS AVE
SAN FRANCISCO, CA 94102-6388

WALDON MICHAEL HINGLE
MICHAEL HINGLE & ASSOCIATES, INC.
220 GAUSE BLVD.
SUITE 200
SLIDELL, LA 70459

HENRY LEWIS HIPKENS
BASS, BERRY & SIMMS
AMSouth CENTER
315 DEADRICK STREET
SUITE 2700
NASHVILLE, TN 37238

SHEPARD A. HOFFMAN
LAW OFFICES OF SHEPARD A. HOFFMAN
301 N. CHARLES STREET
SUITE 901
BALTIMORE, MD 21201

ROBERT HOLLAND
HOLLAND LAW
308 COGDILL RD NW
KNOXVILLE, TN 37922

SHANNON M. HOLLAND
HOLLAND LAW
308 COGDILL ROAD NW
KNOXVILLE, TN 37922

ROBERT WILLIAM IVY
THE LAW OFFICE OF ROBERT H. ALEXANDER JR
POBOX 868
OKLAHOMA CITY, OK 73101

LYNN SEITHEL JEKEL
NESS MOTLEY PA
POBX 1792
28 BRIDGESIDE BLVD
MT PLEASANT, SC 29465

GREGORY LAWING JONES
GREG JONES, P.A.
3015 MARKET STREET
WILMINGTON, NC 28403

WALTER JONES, JR
PUGH, JONES, ET AL
180 NORTH LASALLE STREET
SUITE 3400
CHICAGO, IL 60601

JAMIE RANAH KENDALL
PRICE WAICUKAUSKI & RILEY
301 MASSACHUSETTS AVENUE
INDIANAPOLIS, IN 46204

KENNETH J. KING
PEPPER HAMILTON LLP
THE NY TIMES BLDG
620 EIGHTH AVE
NEW YORK, NY 10018

AMANDA S. KITTS
NELSON MULLINS RILEY AND SCARBOROUGH
P.O. BOX 11070
COLUMBIA, SC 29211

W. MARK LANIER
THE LANIER LAW FIRM
6810 FM 1960 WEST
HOUSTON, TX 77069

GEORGE ALEXANDER LEHNER
PEPPER, HAMILTON & SCHEETZ
1300 19th STREET, NW
SUITE 700
WASHINGTON, DC 20036

JENNIFER LENZE
GIRARDI AND KESSE
1126 WILSHIRE BOULEVARD
LOS ANGELES, CA 90017

STEVEN LIM
FINKELSTEIN & PARTNERS LLP
436 ROBINSON AVE
NEWBURGH, NY 12550

JOHN J. LOVE
ROBERT H. ALEXANDER JR PC
120 N ROBINSON
24TH FLOOR
OKLAHOMA CITY, OK 73102

LEWIS WILKINSON LYONS
GLASSMAN EDWARDS WADE AND WYATT
26 N. SECOND STREET
MEMPHIS, TN 38103

VICTORIA JENNINGS MANIATIS
MORELLI RATNER, P.C.
950 THIRD AVENUE
NEW YORK, NY 10022

BRIAN J. MCCORMICK, JR
SHELLER PC
1528 WALNUT ST., 3RD FL
PHILADELPHIA, PA 19102

RICHARD MEADOW
ROBERT M. BLAKEMAN & ASSOCIATES
108 S. FRANKLIN AVENUE
VALLEY STREAM, NY 11580

THOMAS E. MELLON, JR
MELLON, WEBSTER & MELLON
87 NORTH BROAD STREET
DOYLESTOWN, PA 18901

KAREN BARTH MENZIES
BAUM HEDLUND ARISTEI GOLDMAN & MENZIES,
12100 WILSHIRE BLVD STE 950
LOS ANGELES, CA 90025

HENRY A. MEYER, III
ABOWITZ TIMBERLAKE & DANKKE PC
POBOX 1937
OKLAHOMA CITY, OK 73101

GARY MARTIN MEYERS
MEYERS AND GOLDFWART
35 W. MAIN STREET
SUITE 106
DENVILLE, NJ 07834

NANCY A. MISMASH
DEBRY & ASSOCIATES
4342 S 700 E
SALT LAKE CITY, UT 84107

ROBERT EDWARD MORELAND
HEILIG, MC KENRY, FRAM AND LOLLAR
700 NEWTOWN ROAD
SUITE 15
NORFOLK, VA 23502

JOSEPH J. MORFORD
TUCKER ELLIS & WEST LLP
1100 HUNTINGTON BLDG.
925 EUCLID AVENUE
CLEVELAND, OH 44115

BRIAN PHILLIP MURRAY
MURRAY FRANK SAILER LLP
275 MADISON AVE SUITE 601
NEW YORK, NY 10016-6099

MIKE NEILON
WPVI TV (ABC PHILADELPHIA)
4100 CITY LINE AVENUE
PHILADELPHIA, PA 19131

JOHN F. NEVARES
P.O. BOX 13667
SAN JUAN, PR 00908

DEBORA A. O'NEILL
MEYERSON & O'NEILL
1700 MARKET ST.
STE 3025
PHILADELPHIA, PA 19103

NEIL D. OVERHOLTZ
AYLSTOCK, WITKIN & SASSER, PLC
4400 BAYOU BLVD.
SUITE 58
PENSACOLA, FL 32503

NICHOLAS H. PATTON
PATTON, TIDWELL & SANDEFUR
P.O. BOX 5398
CROWN EXECUTIVE CENTER, 6500 SUMMERHILL
TEXARKANA, TX 75505-5398

GALE DIANE PEARSON
GALE D. PEARSON & ASSOCIATES PA
1012 GRAIN EXCHANGE BUILDING
400 SOUTH FOURTH STREET
MINNEAPOLIS, MN 55415

BRYAN AUGUST PFLEGER
MICHAEL HINGLE & ASSOCIATES, INC.
220 CAUSE BLVD.
SUITE 200
P.O. BOX 1129
SLIDELL, LA 70459

MICHAEL L. PHIFER
952 ECHO LANE
SUITE 140
HOUSTON, TX 77024

ROBERT CHRISTAN PITTARD
DAVIS LAW FIRM
5710 IH-10 W
SAN ANTONIO, TX 78201

ELEANOR LOUISE POLIMENI
FINKELSTEIN & PARTNERS, LLP
436 ROBINSON AVENUE
NEWBURGH, NY 12550

LYN PEEPLES PRUITT
MITCHELL WILLIAMS SELIG GATES
425 W. CAPITOL AVE
SUITE 1800
LITTLE ROCK, AR 72201-3525

ERIC F. QUANDT
PUGH JONES
180 NORTH LASALLE ST
SUITE 3400
CHICAGO, IL 60601

JOSE L. RAMIREZ-COLL
FIDDLER GONZALEZ & RODRIGUEZ
P.O. BOX 363507
SAN JUAN, PR 00936

DIEGO A. RAMOS
FIDDLER GONZALEZ & RODRIGUEZ
P.O. BOX 363507
SAN JUAN, PR 00936

STEPHEN JEROME RANDALL
RANDALL AND SCHUMACHER, P.A.
1012 GRAIN EXCHANGE BUILDING
400 SOUTH FOURTH STREET
MINNEAPOLIS, MN 55415

R. JASON RICHARDS
AYLSTOCK WITKIN KREIS & OVERHOLTZ, PLLC
801 N. PALAFOX ST.
PENSACOLA, FL 32510

WILLIAM N. RILEY
PRICE WAICUKAUSKI & RILEY
301 MASSACHUSETTS AVENUE
INDIANAPOLIS, IN 46204

GLENWOOD PARIS ROANE, SR
GLENWOOD P. ROANE, SR., & ASSOCIATES
217 EXCHANGE AVENUE
MEMPHIS, TN 38105

MARK P. ROBINSON, JR
ROBINSON, CALCAGNIE & ROBINSON
620 NEWPORT CENTER DRIVE
SEVENTH FLOOR
NEWPORT BEACH, CA 92660

JAY P. SALTZMAN
SCHOENGOLD & SPORN, P.C.
CANNON'S WALK
19 FULTON STREET
SUITE 406
NEW YORK, NY 10038

FRANK ROCCO SCHIRRIPIA
SCHOENGOLD SPORN LAITMAN & LOMETTI, P.C.
19 FULTON STREET
SUITE 406
NEW YORK, NY 10038

JOHN SHIFFMAN
Philadelphia Inquirer
601 Market Street
Philadelphia, PA 19106

LEIGH ANNE SHULTS
MITCHELL, WILLIAMS, SELIG, GATES & WOODY
425 WEST CAPITOL AVENUE
SUITE 1800
LITTLE ROCK, AR 72201

JAMES D. SILL
SILL & MEDLEY
725 NW ELEVENTH
OKLAHOMA CITY, OK 73103

JAMES PAUL SZEMORE
GIRARDI AND KEESE
1126 WILSHIRE BOULEVARD
LOS ANGELES, CA 90017

STEPHANIE A. SMITH
FULBRIGHT & JAWORSKI
ONE AMERICAN CTR
600 CONGRESS AVE.
STE 2400
AUSTIN, TX 78701-2011

SMITHKLINE BEECHAM CORPORATION
1 FRANKLIN PLAZA
PHILA, PA 19101

KENNETH S. SOHN
LANIER LAW FIRM

ANDY SOHN
GLANCY BINKOW AND GOLDBERG

SAMUEL P. SPORN
SCHOENGOLD & SPORN, P.C.

6810 FM 1960 WEST
HOUSTON, TX 77069

1801 AVENUE OF THE STARS
SUITE 311
LOS ANGELES, CA 90067

19 FULTON STREET
SUITE 406
NEW YORK, NY 10038

PAUL K. STECKER
PHILLIPS, LYTLE, HITCHCOCK, BLAINE & HUB
1400 MARINE MIDLAND CENTER
BUFFALO, NY 14203

HYUNG P. STEELE
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ.
18TH & ARCH STS
PHILA, PA 19103-2799

STEPHEN A. SWEDLOW
SWEDLOW & ASSOCIATES
205 MICHIGAN AVENUE
SUITE 1940
CHICAGO, IL 60601

ANTHONY VALE
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ.
18TH AND ARCH STS.
PHILADELPHIA, PA 19103

TED B. WACKER
ROBINSON CALCAGNIE & ROBINSON
620 NEWPORT CENTER DR 7TH FL
NEWPORT BEACH, CA 92660

GEORGE T. WADDOUPS
DEBRY & ASSOCIATES
4252 S 700 E
SALT LAKE CITY, UT 84107

B. J. WADE
GLASSMAN, JETER, EDWARDS & WADE
26 N. SECOND STREET
MEMPHIS, TN 38103

CHRISTOPHER W. WASSON
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ
18TH & ARCH STS
PHILADELPHIA, PA 19103-2799

DANIEL W. WHITNEY
WHITNEY & BOGRIS, LLP
401 WASHINGTON AVE.
12TH FL.
TOWSON, MD 21204

JOSEPH N. WILLIAMS
PRICE WAICUKAUSKI & RILEY
301 MASSACHUSETTS AVENUE
INDIANAPOLIS, IN 46204

MICHAEL J. WILLIAMS
CELLINO & BARNES PC
17 COURT ST., 7TH FL
BUFFALO, NY 14202-3290

JUSTIN G. WITKIN
AYLSTOCK WITKIN & SASSER, PLC
P.O. BOX 1147
GULF BREEZE, FL 32561

DONALD F. ZIMMER, JR
DRINKER BIDDLE AND REATH
50 FREMONT STREET
20TH FLOOR
SAN FRANCISCO, CA 94105-2235

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